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C O N F I D E N T I A L THE HAGUE 000928

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TAGS: PARM PREL CWC

SUBJECT: CWC: WRAP UP FOR OCTOBER 20-31, 2008

REF: A. THE HAGUE 898
 1B. THE HAGUE 755
 1C. THE HAGUE 860
 1D. BAGHDAD 3428

Classified By: Ambassador Eric M. Javits for reasons 1.4 (B) and (D)

This is CWC-54-08

SUMMARY

11. (U) Following the busy schedule leading up to and during the Executive Council's Fifty-fourth Session (EC-54), life at the OPCW geared down to a slower pace. In addition to weekly meetings of the Western European and Others Group (WEOG), only one consultation -- on Article VII -- was held during the two weeks following EC-54. WEOG meetings focused on a review of EC-54 and preparations for the upcoming Conference of the States Parties (CSP) in early December.

12. (C) During a meeting with Executive Council (EC) Chairperson Amb. Tomova, Ambassador Javits discussed nominating the next Director-General (DG), the leadership for the upcoming CSP and replacing Iran on the EC Bureau. Lebanon and Iraq inched closer to accession, with both now needing only to deposit their instruments of accession with the UN. And, the DG made an urgent plea to Amb. Javits for the U.S. to pay the outstanding balance of its 2008 assessment as soon as possible.

WEOG -- EC REVIEW

13. (SBU) In the regular weekly WEOG meeting on October 21, the main topic of discussion was the previous week's EC session. WEOG Coordinator Ruth Surkau (Germany) noted the Russian blocking of action on the Portreath facility, the first to reach the ten year point after conversion, and the ominous new Iranian proposal for the Article XI workshop. The French delegate agreed that it will be important to

keep working from the Cuban workshop proposal and not allow Iran to hijack the workshop. There was extensive discussion of the isolation of Iran during the EC, with a caution by the Italian delegate that the Non-Aligned Movement (NAM) was still unlikely to intervene even though many disagree with Iran.

¶14. (SBU) Delrep raised the question of Iran retaining its vice chair role in the EC Bureau, although the procedural rules clearly indicate that a new chair or vice chair should be elected when an incumbent is unable to perform his or her duties. Amb. Burkart (Germany), the WEOG Vice Chair, said he would take the issue to the Chairperson.

¶15. (SBU) On the budget, delegates felt that positions had hardened. Budget facilitator Martin Strub (Switzerland) stated that he intended to wait before scheduling a meeting. The number of inspections of Other Chemical Production Facilities (OCPFs), he said, is the essential question, and a matter of principle for India and China. He hoped not to have to re-open the rest of the budget. The French delegate noted that the NAM has "pocketed" the 6% increase in funding for International Cooperation and Assistance (ICA) and focused the discussion on the need for WEOG states to compromise on the number of OCPF inspections; she said the budget is a package and other pieces could be put into discussion for compromise. Iran's goals, she admitted, were a "whole different game." The Netherlands delegate, last year's budget facilitator, warned against Qlast year's budget facilitator, warned against delaying the budget into the CSP, where there are a whole range of new players and little knowledge of past negotiations.

¶16. (SBU) On the question of using the time before the upcoming CSP, delegates had little to say on Articles VII, X, XI and Universality. Giuseppe Cornacchia (Italy), newly appointed facilitator for low concentrations, stated that the industry cluster meeting on November 13 would be to get things started.

¶17. (U) The Netherlands announced that the seminar on UNSCR 1540 at the Clingendael Institute planned for late November would be postponed until early next year, due to conflicts with other events at the same time. The Dutch delegate also announced that her government would be sponsoring hotel rooms for 20 countries (30 delegates), including Somalia, to attend the CSP. The French delegate announced the EU day for National Authorities on December 1, with invitations to go out shortly from the Technical Secretariat (TS).

CSP AND DG SEARCH

¶18. (C) Ambassador Javits called on EC Chairperson Amb. Oksana Tomova (Slovakia) on October 27 to discuss the process for nominating candidates for DG, the leadership for the upcoming CSP, and replacing Iran on the EC Bureau. Slovakian delegate Michal Komada and Delrep sat in. Tomova, as always, was receptive to suggestions, and noted that she had already begun consulting Secretary to the Policy-Making Organs (PMO) Khodakov on the DG selection history, and had been approached by the French ambassador about it. Amb. Javits emphasized the importance of having a transparent process in place early. Delrep suggested that Tomova could announce at the CSP that she would begin the process of opening nominations for DG in early 2009, and could follow up with a letter to all member states outlining how nominations could be made.

¶19. (C) Tomova asked about turning over the process to the next EC chair, and whether the U.S. had a candidate for that position. She had heard Mexican Ambassador Lomonaco is interested. Amb. Javits said Ambassador Lomonaco would be an excellent choice, but that there are other qualified GRULAC ambassadors and that the U.S. does not yet support any particular candidate. Tomova said she would follow up on the DG process with Legal Advisor Onate. Komada asked whether the U.S. would support a regional rotation for the DG position. Delrep explained the agreement reached during the Prep Com to alternate candidates from the developed and developing world, and the importance of finding qualified individuals without limiting the search to one region or unduly politicizing it.

¶10. (C) On the questions of the Iranian Vice Chair, Amb. Javits and Delrep cited the rules of procedure that indicate both that the Bureau leadership should be "Representatives" and that new chairs should be elected if/when they can no longer perform their duties. Iranian Ambassador Ziaran's departure, with reportedly only a Charg to come, goes against both those rules. Tomova said that Amb. Burkhardt had already approached her on this on behalf of the WEOG. Delrep noted one politically complicating factor -- QDelrep noted one politically complicating factor -- that early action in the Asian Group on the vice chair question might jeopardize other candidates for the CSP chair (which is also Asia this year). Amb. Javits recommended that Tomova seek legal advice from the TS on how to proceed and leave action pending until after the CSP to request that the Asian Group elect a new vice chair.

¶11. (C) (Del note: At a dinner later in the week, Tomova informed Amb. Javits that she had spoken to the Iranian delegate about the irregularity of their delegation's taking the Bureau vice chairmanship after the departure of their Ambassador. She warned him that they could not continue to violate the rules and that a new vice chair would need to be elected.)

¶12. (C) For the CSP, Tomova thought the Indian Ambassador is still in the running for the chair. Amb. Javits explained that he had talked to the Indian Ambassador and discussed the principled U.S. objection to a possessor state being in such a leadership position. Komada asked if that would hold for the DG as well; Amb. Javits said it would. He and Tomova agreed to stay in touch on all of these moving candidacies.

¶13. (C) After this meeting with Tomova, the new Korean Ambassador, Young-won Kim, made a courtesy call on Amb. Javits. Amb. Javits noted that now that Korea is no longer a possessor state, the Ambassador could become a candidate for EC or CSP leadership. Kim seemed pleased but noted that the Japanese Ambassador might be interested in the CSP chair and that he himself was not yet accredited to OPCW. Amb. Javits later phoned the Japanese Ambassador, who told him that the new Malaysian Ambassador is coordinating the election for the Asian group.

¶14. (C) In a conversation later in the week with the Japanese delegate, Delrep learned that, while the Japanese Ambassador is interested in taking the CSP chair, he did not want to put himself forward. The delegation worked with and through the Malaysian delegation to assess indirectly whether there was any opposition to the Japanese Ambassador. On October 31, the Japanese delegate told Delrep that the Malaysian Ambassador had nominated the Japanese Ambassador for the CSP Chair and Pakistan had circulated the notice to all of the Asian Group; no

other candidates were identified on the notification. The Group will meet on the nomination, but no date has yet been set.

WEOG -- CANDIDATES

¶15. (U) The October 28 meeting of WEOG discussed preparations and appointments for the upcoming CSP, current consultations and the appointment of facilitators, and several issues under Any Other Business.

¶16. (SBU) Although confirmation will be required, there seemed to be no opposition to continuing the tradition of electing the U.S. and the currently serving WEOG coordinator (Germany) as WEOG Vice Chairs for the CSP. Portugal and Finland expressed interest in the Credentials Committee, and will discuss which of the two will chair the committee. On the Confidentiality Commission, the German and Norwegian members are each willing to serve a third term, and Italy may replace its current member; U.S. Del nominated U.S. expert Susan Richey to take the fourth WEOG spot on the Commission.

¶17. (SBU) On upcoming consultations, WEOG Coordinator Surkau reported her understanding that Article VII facilitator Said Moussi (Algeria) was working on a "draft" but not yet certain whether this would take the form of report language or a decision. Moussi had indicated to Surkau that Iran opposes a decision, and the Indian position is not clear. France and Germany expressed support for a decision to keep the issue at the forefront, with a possible focus on further assistance to States Parties. The UK noted that it would be preferable tactically for the GRULAC and African Group to push for a decision.

¶18. (U) On Article XI, it seems the NAM is having difficulty finding a replacement for current facilitator Li Hong of China; the Polish delegation has been approached, but there was agreement that a NAM facilitator would be preferable. Poland could, however, be a good choice to facilitate Article X when current facilitator Victor Smirnovsky (Russia) leaves. Surkau added that Smirnovsky does not intend to hold additional consultations between now and the CSP. Several delegations cautioned against committing to an Article XI Workshop before being confident that it would not be used as a venue to criticize the Australia Group.

¶19. (U) Surkau noted that the TS hopes to distribute its paper on Sampling and Analysis by next week to allow some time for consideration before the November 13-14 industry consultations. Giuseppe Cornacchia (Italy), newly appointed facilitator for low concentrations, reported that he is still soliciting feedback from other delegations as to the direction his consultations might take.

¶20. (U) Under Any Other Business, Amb. Javits explained his concern that the OPCW was hampered in effective recruiting by its retirement age. In light of tenure and the difficulty of attracting qualified mid-career candidates, he suggested the DG might consider raising the age from 62 to 65. Germany expressed doubt that an entry-level inspector position would be attractive to a senior member of industry, but acknowledged this step could be helpful. Surkau suggested that the U.S. circulate a paper explaining its proposal, and that WEOG delegations could consider this matter further early next year.

¶21. (U) Delrep also reported to WEOG colleagues that Iraq was one step closer to accession, having published the CWC law in its national gazette. France gave a brief update on the upcoming EU-sponsored extra day of the National Authorities annual meeting, and expressed hope that non-European companies and industry associations would also participate. Germany noted that EC Chairperson Tomova was seeking advice from the Legal Advisor Onate and PMO Secretary Khodakov on the issue of possibly replacing Iran as an EC Vice Chair; the Netherlands delegate added that a new Iranian Charge d'Affairs has arrived.

ARTICLE VII

¶22. (U) On October 27, Delreps met informally with Article VII facilitator Said Moussi (Algeria) at his request. Moussi told Delreps that he planned to hold a consultation on October 30 and would seek more input from delegations on what type of recommendation to present to the upcoming CSP, as he had done during the previous two consultations (refs B and C). He also shared a draft decision that he had prepared in collaboration with the TS, and he said that he would circulate the draft after the October 30 consultation. Moussi advised that he had been speaking bilaterally to a number of delegations and reported that many are in favor of pursuing a decision at the CSP; he specifically mentioned Qdecision at the CSP; he specifically mentioned African delegations, Brazil and Mexico.

¶23. (U) During the October 30 consultations, Moussi presented his thoughts on how to proceed with recommendations for the CSP. While he noted his preference for a decision (as in past years), he stressed that the substance of any proposal should take precedence over its format. Notably, Pakistan said that it could support a decision that notes the progress achieved in Article VII implementation, encourages the TS to continue its work and does not set new parameters or punitive measures. Pakistan's comments set the tone for most of the other interventions, and there was general consensus among delegations present that the content of any decision or report language should be positive in tone, underlining progress in Article VII implementation while encouraging further work. As in the previous consultation (ref C), Iran remained the lone voice against doing anything more on Article VII.

¶24. (U) At the end of the consultation, when asked by Cuba how he plans to proceed, Moussi announced that he will circulate a draft paper incorporating the elements raised during the consultation.

ACCESSION -- LEBANON AND IRAQ

¶25. (SBU) Lebanese Ambassador Al-Saghir informed Amb. Javits that the Lebanese President recently signed the law allowing Lebanon to accede to the Convention and that Lebanon soon will deposit its instrument of accession with the UN.

¶26. (SBU) At a dinner on October 28, Iraqi Ambassador Banaa advised Amb. Javits that Iraq's instrument of accession would be deposited with the UN on October 29. Del shared this information with the DG and UK colleagues, all of whom have had past experience with Amb. Banaa's rather optimistic predictions. Delrep also followed up on additional declaration-related documents reported to have been forwarded to The Hague sometime around July 2008 (ref D). Despite

initial indications from Amb. Banaa and his staff that no such documents had been received, the Iraqi Embassy provided Del with a CD with a number of documents (all in Arabic) on October 31. It is unclear whether this is anything more than simply an update based on the U.S./UK/TS recommendations from March 2008, but Del forwarded the CD to Washington and encouraged the Iraqi Embassy to provide the TS with a copy.

PAYMENT OF 2008 ASSESSMENT

¶27. (SBU) During a meeting on October 28, the DG informed Amb. Javits that the OPCW was running out of operating funds and requested that the U.S. pay the outstanding balance (roughly EUR 10.5 million) of its 2008 assessment as soon as possible.

¶28. (SBU) DEL COMMENT: While the OPCW's Working Capital Fund has a balance of over EUR 10.1 million (as of August 31), the DG refuses to draw on it as a matter of principle. Japan -- the second largest contributor to the OPCW -- paid its outstanding balance (roughly EUR 6 million) on October 20, bringing the current outstanding balance for all 2008 assessments down to roughly EUR 11.9 million. After the U.S., the countries with the largest outstanding balances for their 2008 assessments are: Brazil (EUR 603,436), Argentina (EUR 223,878), Venezuela (EUR 123,369) and Iran (EUR 110,101). END COMMENT.

¶29. (U) Javits sends.
CULBERTSON